

Remarks

In response to the Office Action mailed February 8, the Applicants respectfully request reconsideration in view of the following remarks. Independent claims 1, 7, 8, and 10 have been amended to clarify that instant messages are delivered to the instant messaging server for delivery to a recipient (or second computing device) without transmitting the instant message through a protocol server. Support for this amendment may be found on page 11, lines 8-16 of the Specification.

Claims 1-2 and 4-13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Oppenheimer (US 20030014477) in view of Doss (US 20020188620).

Applicant's Statement of the Substance of the Interview

A telephonic interview between Applicant's representative Alton Hornsby, III (Registration No. 47,299) and the Examiner was held on April 26, 2006 to discuss a proposed amendment to independent claim 1 in view of the cited reference Oppenheimer. During the interview, the Examiner agreed that an amendment which specified the delivery of instant messages from an instant messaging server directly to recipient without being transmitted through a protocol server, would overcome the cited art of record.

Claim Rejections - 35 U.S.C. §103

In the Office Action, claims 1-2 and 4-13 are rejected as being unpatentable over Oppenheimer in view of Doss. The rejection of these claims is respectfully traversed.

Amended independent claim 1 specifies a method of sending data from a first computing device to at least one of a plurality of second computing devices over a wireless digital packet-switched network. The method includes initiating a first application on a first computing device including a wireless digital packet-switched modem, the first application for accessing and retrieving legacy data from a remote system via a protocol server; initiating a second application

on the first computing device, the second application providing an instant messaging service and enabling instant messaging data to be sent from the first computing device to an instant messaging server via the protocol server over a wireless digital packet-switched network; generating data to be sent from the first computing device to the at least one of the plurality of second computing devices, wherein data is generatable from the first application as a request to the remote system and from the second application as an instant message and is transmitted by way of the wireless digital packet-switched modem; initiating a request to a modem controller for access to the wireless digital packet-switched modem; and transmitting the generated data from the first computing device to the protocol server for delivery of the request to the legacy system from the protocol server and for delivery of the instant message from the protocol server to the instant messaging server, wherein the instant message is delivered to the instant messaging server for further delivery to the at least one of the plurality of second computing devices without transmitting the instant message through the protocol server.

It is respectfully submitted that neither Oppenheimer nor Doss, alone or in combination, teaches, discloses, or suggests each of the features specified in amended independent claim 1. For example, as noted in the Office Action, Oppenheimer fails to disclose that an instant message is are delivered from a first computing device to a protocol server for delivery to an instant messaging server, wherein the instant messaging server delivers the instant message to a second computing device without transmitting the instant message through the protocol server. In the Office Action, it is alleged that Oppenheimer discloses, in Figure 2, a protocol server (messaging system 210) in communication with an instant messaging server (application server 212). Oppenheimer discloses the transmission of instant messaging (IM) data from a computing device to the messaging system 210, then to the application server 212 for processing, and then

back to the messaging system 210. The IM data is then retrieved from the messaging system 210 (i.e., the alleged protocol server) by a client application (see paragraph 43). In contrast, amended independent claim 1 specifies that an instant message is transmitted from the first computing device to a protocol server and then to an instant messaging server for deliver directly to second computing device (i.e., without going back through the protocol server). Thus, the method of Oppenheimer is less efficient than the method amended independent claim 1 because it requires IM data to “bounce” back and forth between two servers before finally being delivered to a recipient. As noted in the Office Action, Oppenheimer also fails to disclose wireless modems.

In the Office Action Doss is relied upon for allegedly teaching the use of wireless modems for establishing a wireless connection and for the transmission of IM and other data using the X.25 protocol. Doss however, like Oppenheimer, fails to teach, disclose, or suggest that an instant message is are delivered from a first computing device to a protocol server for delivery to an instant messaging server, wherein the instant messaging server delivers the instant message to a second computing device without transmitting the instant message through the protocol server. In fact, Doss fails to teach an instant messaging server at all but merely a gateway server in communication with wireless client devices (see Fig. 2 and paragraph 32).

Based on the foregoing, neither Oppenheimer nor Doss, alone or in combination, teaches, discloses, or suggests each of the features specified in amended independent claim 1. Therefore, claim 1 is allowable and the rejection of this claim should be withdrawn. Claims 2, 4-6, and 11 depend from amended independent claim 1 and are thus allowable for at least the same reasons. Amended independent claims 7, 8 and 10 recite similar features as amended independent claim 1 and are thus allowable for at least the same reasons. Claims 12, 9, and 13 depend from amended

independent claims 7, 8, and 10, respectively and are thus allowable for at least the same reasons.

Accordingly, the rejection of claims 2 and 4-13 should also be withdrawn.

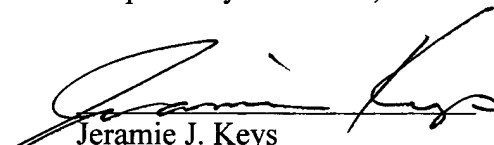
Conclusion

In view of the foregoing amendments and remarks, this application is now in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is invited to call the Applicants' attorney at the number listed below.

At this time, no fees are believed due. However, please charge any additional fees or credit any overpayment to Deposit Account No. 50-3025.

Respectfully submitted,

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